

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

BALLY TOTAL FITNESS HOLDING  
CORPORATION,

Plaintiff,

v.


LIBERATION INVESTMENTS, L.P.,  
LIBERATION INVESTMENTS, LTD.,  
LIBERATION INVESTMENT GROUP LLC  
and EMANUEL R. PEARLMAN,

Defendants.

Civil Action No. 05-841-JJF

**NOTICE OF RULE 45 SUBPOENA ON DON R. KORNSTEIN**

PLEASE TAKE NOTICE that pursuant to the attached subpoena, beginning at 9:00 a.m. on December 27, 2005, and continuing as necessary thereafter, Plaintiff Bally Total Fitness Holding Corporation, by and through its attorneys, shall take testimony by deposition, upon oral examination, of Don R. Kornstein. This deposition may be videotaped and shall take place before a duly qualified notary public or some other officer authorized by law to administer oaths at the office of Bonanza Reporting – Reno, L.L.C., 1111 Forest St., Reno, NV 89509.



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-and-

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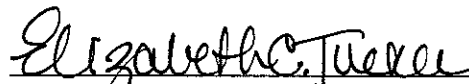
Date: December 14, 2005

**CERTIFICATE OF SERVICE**

I, Elizabeth C. Tucker, hereby certify that I caused copies of the foregoing  
NOTICE OF RULE 45 SUBPOENA ON DON R. KORNSTEIN to be served by CM/ECF upon:

STEPHEN E. JENKINS, ESQ.  
Ashby & Geddes  
222 Delaware Avenue  
Wilmington, DE 19899

on this 14th day of December, 2005.

A handwritten signature in cursive script, reading "Elizabeth C. Tucker", is written over a horizontal line.

Elizabeth C. Tucker (#4468)

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